



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/707,486

12/17/2003

Jorgen Ahlberg

7589.146.PCUS00

1485

28694

7590

11/28/2007

NOVAK DRUCE & QUIGG, LLP

1300 EYE STREET NW

SUITE 1000 WEST TOWER

WASHINGTON, DC 20005

EXAMINER

BOEHLER, ANNE MARIE M

ART UNIT

PAPER NUMBER

3611

MAIL DATE

DELIVERY MODE

11/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/707,486

Applicant(s)

AHLBERG ET AL.

Examiner

Anne Marie M. Boehler

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 August 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 20-22 is/are pending in the application.
- 4a) Of the above claim(s) 5-7 and 12-14 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 16, 17 and 20-22 is/are allowed.
- 6) ☒ Claim(s) 1-4, 8-11, 15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. Claims 5-7 and 12-24 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 3, 2006.

2. Claim 16 is objected to because of the following informalities: In lines 7 and 8, "frame halves" should be -frame half-. Appropriate correction is required.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-4, 8-11, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ahonen (USPN 4,099,733) in view of Scotese et al. (USPN 2002/0093153).

Ahonen teaches a vehicle with a front frame half 1 and a rear frame half 2 that are articulated to each other by a longitudinal pivot 4. A controllable positioning arrangement, including two hydraulic or pneumatic cylinders 21, with guide arms 54, as broadly recited, move the frame halves relative to each other toward a predetermined position. A manually controlled valve 14 controls the cylinders and can adjust the biasing force, lock the cylinders at a pre-selected position, or allow free pivoting about the longitudinal axis 4.

Ahonen teaches all of the claimed features except for controlling the positioning device in response to angle of inclination. It teaches manually controlling the positioning device.

Scotese shows a positioning arrangement between one vehicle part 16 and another 12 that is responsive to relative frame inclination or angle. It indicates in paragraph 0024, that pivoting of the axle is allowed up to given angle.

It would have been obvious to one of ordinary skill in the art to make the Ahonen positioning control responsive to relative inclination angle, as taught by Scotese, in order to promote safe operation of the vehicle.

5. Claims 16, 17, and 20-22 are allowed.
6. Applicant's arguments filed August 16, 2007 have been fully considered but they are not persuasive.
7. Applicant discusses the Ahonen reference, but fails to point out how the combination of Scotese fails to teach the claimed invention. Ahonen is silent regarding making the positioning arrangement responsive to the difference in angular position. However, Scotese teaches this operation. It also indicates that the positioning arrangement prevents the angle from exceeding a predetermined angle, but allows relative movement at smaller angle. Applicant's disclosure includes an embodiment where the positioning arrangement is inoperative, to allow free rotation of the frame halves, when the angular difference exceeds a predetermined amount. Scotese does not describe that function. However, the claims merely recited an angular difference triggering the inoperative condition. It does not require that the difference exceeds the

Application/Control Number:
10/707,486
Art Unit: 3611


Page 4

predetermined amount. Therefore, the teaching to allow pivotal movement below a predetermined angle, as taught by Scotese, is believed to provide a teaching that meets the claim limitation.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anne Marie M. Boehler whose telephone number is 571-272-6641. The examiner can normally be reached on 7:30-5:00, Monday-Thursday, and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6612. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

 11/26/07
Anne Marie M. Boehler
Primary Examiner
Art Unit 3611